

IN RE: PETITION FOR ZONING VARIANCE
88/5 Lynhurst Road, 100' E of
the E/I of Beechwood Road
(1173 Lynhurst Road)
12th Election District
7th Councilmanic District
Joseph J. Mackin
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-239-A

ORDER IN RESPONSE TO MOTION FOR RECONSIDERATION

This matter comes before the Zoning Commissioner as a Motion for reconsideration of the decision rendered on March 4, 1992 in the above-captioned matter. Subsequent to the issuance of that decision, the Petitioner submitted a letter, with exhibits, dated March 29, 1992 requesting a reconsideration of the decision rendered in this case. I have accepted this letter as a Motion for Reconsideration, thereby staying the time frame from which an appeal must be taken from the original decision.

The Petitioner's request for reconsideration has been placed in the file and incorporated into the record of this case. Although that letter speaks for itself, several points are offered. First, the Petitioner notes that ingress and egress to a garage on the property is not an issue, rather, ingress and egress to the home for construction equipment necessary for a contemplated addition is requested. Addressing this issue, it should be noted that the addition is, in fact, merely contemplated and thus speculative. There is no existing site constraint which justifies the alleged ingress/egress consideration. Therefore, I am not persuaded to reconsider my decision on that basis.

Secondly, the Petitioner takes issue with several findings of facts as expressed in the earlier order. These include the identity of the individuals who reside next door, the number of social functions the

Petitioner has hosted in the past year, and who constructed the pool, among others. Although I am appreciative of the Petitioner's desire to present an absolutely accurate record, these findings pale when considered in the context of the issue presented. In fact, it would seem more appropriate if these facts were elicited during the de novo Board of Appeals' hearing rather than an ex parte basis before me.

Based upon the totality of the information presented, I am not persuaded that my original decision was erroneous and should be reversed.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of May, 1992, that for the reasons stated above, the Findings of Fact and Conclusions of Law previously issued in this matter, dated March 4, 1992, shall be readopted and reincorporated herein and as such, the Motion for Reconsideration is hereby DENIED.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Joseph J. Mackin
4224 Lynhurst Road, Baltimore, Md. 21222

Mr. Ronald Nestor
4226 Lynhurst Road, Baltimore, Md. 21222

Messrs. Martin A. and Mathias A. Fox
4222 Lynhurst Road, Baltimore, Md. 21222

People's Counsel

Kile

ORDER RECEIVED FOR FILING
Date 5/16/92
By Th. G. G. G.

IN RE: PETITION FOR ZONING VARIANCE
88/5 Lynhurst Road, 100' E of
E of C/I Beechwood Road
4224 Lynhurst Road
12th Election District
7th Councilmanic
Joseph J. Mackin
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-239-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (pool and deck) with an 8 inch setback from the side property line in lieu of the required 30 inches, as more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner/property owner, Joseph J. Mackin, appeared and testified. Appearing in opposition to the Petition was a next door neighbor, Ronald Nestor, who resides at 4226 Lynhurst Road. Also appearing in opposition were the next door neighbors on the other side of the subject property, Martin A. Fox and his brother, Mathias A. Fox, both of whom reside at 4222 Lynhurst Road.

The Petitioner's request and argument in support of same are fully set out within Petitioner's Exhibit No. 2, a booklet which comprehensively sets forth the history of this site and requested relief.

Mr. Mackin testified that he owns the subject property, known as 4224 Lynhurst Road. The property, which is zoned D.R.5.5, is a waterfront property on Back River and is approximately 12,000 sq. ft. in area. The lot is improved with a dwelling which the Petitioner occupies, and there are two garages in the rear yard near Lynhurst Road. Also in the rear yard is an elevated pool and deck which are the subject of the hearing.

ORDER RECEIVED FOR FILING
Date 5/16/92
By Th. G. G. G.

into his yard and, when the pool is in use, during the summer months, water splashes his property. He also notes that the pool is unsightly, in that it is elevated and dominates the view from his property. He also noted occasional problems with balls and other toys coming into his yard from the pool.

Prior to addressing the merits of the requested variance, it should be noted that the Petitioner seeks before me only a variance from Section 400.1 of the B.C.Z.R., which requires a 2-1/2 ft. setback in lieu of the 8 inches shown. Under the County Code, my authority extends to consider variances from the Baltimore County Zoning Regulations (B.C.Z.R.). However, it is also to be noted that the BOCA Code, which is enforced by the Baltimore County Office of Permits and Licenses, requires a 6 ft. setback from the pool to the property line. This is mandated within Section 623.4 of the Code which requires, in part, "A wall of the swimming pool shall not be located less than 6 ft. from any rear or side property line . . .". It must be understood that a variance from this section is not before me and, indeed, I do not have the authority to consider same. Thus, the Petitioner faces a two prong test. He must first obtain a variance from Section 400.1 of the B.C.Z.R. to allow the deck to be within 30 inches of the property line and, thereafter, must obtain a waiver or confirmation from the Office of Permits and Licenses from the BOCA requirements that the pool be 6 ft. from the property line.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the proper-

ty for a permitted purpose or render conformance unnecessarily burdensome;

- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In reviewing the evidence, there is insufficient evidence to allow a finding that the Petitioner would experience practical difficulty or unreasonable hardship if the requested variance was denied.

The photographs submitted at the hearing disclose sufficient distance in the rear yard for the pool to be relocated, or to be moved, so that the 30 inch setback can be maintained. That is, the Petitioner's yard appears to be of a sufficient width so that the pool can be relocated 30 inches from the property line. Even if the setback were maintained, ingress and egress to the garage is sufficient. Frankly, it appears that the testimony by the Petitioner was in support of a matter of preference; e.g., his desire to avoid the expense associated with moving of the pool and deck, rather than the necessity for the variance. Although there will, no doubt, be expense and inconvenience associated with such relocation, the legitimate concerns of Mr. Fox cannot be ignored. It is believed that if the pool and deck were relocated, so as to maintain a proper site distance, many of Mr. Fox's concerns would be alleviated. This may also provide the additional distance needed to insure that the pool, itself, is located 6 ft. from the property line. Further, the Petitioner has failed

ORDER RECEIVED FOR FILING
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By Th. G. G. G.

to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. For all of these reasons, the variance requested must, therefore, be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of March, 1992 that the Petition for Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (pool and deck) to have an 8 inch setback from the side property line in lieu of the required 30 inches, in accordance with Petitioner's Exhibit No. 1, be and is hereby DENIED.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date 5/16/92
By Th. G. G. G.

The deck on which the pool is located is approximately 21.9 ft. wide and 39 ft. long. Although the exhibits presented do not indicate how close the pool is situated from the property line, the deck is within 8 inches of the boundary between the Fox property and the Petitioner's lot. Actually, as is shown in the photographs, which were submitted at the hearing, a portion of the supports for the deck meet the property line.

The Petitioner testified that the pool was constructed approximately 3 years ago by ABC Pools, Inc. He stated that the contractor did not advise him that he needed a permit and the pool was constructed without County approval. The Petitioner offers a number of reasons which are in support of his claim that practical difficulty would result if the variance was not granted. These include an alleged lack of egress to the rest of the yard if the deck need be moved from its present location; a concern that the aesthetics of the property would be diminished; a belief that security of the property would be threatened, if the pool was relocated; and a claim that the site distance would be diminished. In sum, the Petitioner maintains that the pool cannot be located elsewhere within the property.

Mr. Nestor testified in opposition to the location of the deck/pool. His objections primarily center upon the fact that the Petitioner constructed the pool without first obtaining the requisite permits. Much of his opposition seems focused not on the pool, per se, but on an unquestionably difficult relationship between these neighbors.

Mr. Martin Fox also testified in opposition to the pool. His objections were more oriented towards the subject pool and deck and were more germane. He objects to the pool being located so close to his property line. He indicates that water flow from the drainage of the pool runs

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 3, 1992

Mr. Joseph J. Mackin
4224 Lynhurst Road
Baltimore, Maryland 21222

RE: Petition for Zoning Variance
Case No. 92-239-A

Dear Mr. Mackin:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
encl.

cc: Mr. Martin A. Fox,
Mr. Mathias A. Fox
cc: Mr. Donald Nestor

-5-

-3-

-4-

CRITICAL PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section _____ of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s) (indicate hardship or practical difficulty):

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s) (indicate hardship or practical difficulty)

PRACTICAL DIFFICULTY
SEE ATTACHED REASONS

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser(s):
Legal Owner(s):
Joseph J. Mackin
(Type or Print Name)

Signature
(Type or Print Name)

Address
(Type or Print Name)

City/State/Zip Code
Attorney for Petitioner(s):
(Type or Print Name)

Signature
(Type or Print Name)

Address
(Type or Print Name)

Attorney's Telephone Number
(Type or Print Name)

ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be posted on the property on or before the _____ day of _____, 19____.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County.

ZONING COMMISSIONER OF BALTIMORE COUNTY

REVIEWED BY: _____ DATE: _____

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AFFIDAVIT IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at _____ 4224 Lynhurst Rd. Baltimore, Md. 21222 (Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

I do solemnly declare under the penalty of perjury I am the legal owner of the property which is the subject of this petition for a zoning variance based on practical difficulty (see attached list of items)

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature) AFFIANT (Handwritten Signature)

Joseph J. Mackin AFFIANT (Printed Name)

AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this _____ day of _____, 19____, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared _____

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

DATE NOTARY PUBLIC

My Commission Expires: _____

ZONING DESCRIPTION FOR 4224 LYNHURST ROAD BALTIMORE, MD. 21222

Beginning at a point on the Northeastern side of Lynhurst Rd. which is 40 feet wide at the distance of 101.54 feet South 51 degrees 45 minutes East of the centerline of the nearest improved intersecting street Beechwood Rd. which is 40 feet wide. Being Lot No. 3 on unrecorded plot of Greens'Land, Baltimore County, Maryland Liber 7039 Folio 544 Metes & bounds South 48 degrees 15 minutes West 290 feet South 51 degrees 45 minutes East 50.77 feet 48 degrees 15 minutes East 230 feet to the waters of Back River bounding the waters of Back River Northwesterly 50 feet plus or minus and intersecting at 48 degrees 15 minutes East South 48 degrees 15 minutes West 240 feet to the place of beginning.

REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: 92-239-A
Petitioner(s): JOSEPH J. MACKIN
Location: 4224 LYNHURST RD

I/We, MARTIN FOX (Type or Print Name)

(X) Legal Owners () Residents, of

4222 LYNHURST RD

BALTIMORE MD 21222 477-2698

City/State/Zip Code

which is located approximately 9" from the property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.

Signature Date

Signature Date

REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: 92-239-A
Petitioner(s): JOSEPH J. MACKIN
Location: 4224 LYNHURST RD

I/We, Mrs. Mrs. Ronald E. Nestor (Type or Print Name)

(X) Legal Owners () Residents, of

4226-28 Lynhurst Rd

Balt. Md 21222 477-386

City/State/Zip Code

which is located approximately 0-50 feet from the property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.

Signature Date

Signature Date

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 12th Date of Posting: 12/25/91

Posted for: 21239-A

Petitioner: Joseph J. Mackin

Location of property: 4224 Lynhurst Rd. Baltimore, Md. 21222

Location of Sign: 4224 Lynhurst Rd. Baltimore, Md. 21222

Remarks: 4224 Lynhurst Rd. Baltimore, Md. 21222

Posted by: 4224 Lynhurst Rd. Baltimore, Md. 21222

Number of Signs: 1

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 12th Date of Posting: 12/25/91

Posted for: 21239-A

Petitioner: Joseph J. Mackin

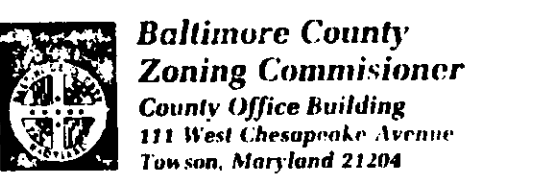
Location of property: 4224 Lynhurst Rd. Baltimore, Md. 21222

Location of Sign: 4224 Lynhurst Rd. Baltimore, Md. 21222

Remarks: 4224 Lynhurst Rd. Baltimore, Md. 21222

Posted by: 4224 Lynhurst Rd. Baltimore, Md. 21222

Number of Signs: 1



Date Account: R-0016150 Number

Cashier Validation

Please Make Checks Payable To: Baltimore County \$10.00

12/25/91

12/25/91

12/25/91

12/25/91

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12/25/91

12/25/91

CERTIFICATE OF PUBLICATION

OFFICE OF Dundalk Eagle

4 N. Center Place P.O. Box 8936 Dundalk, Md. 21222

January 16, 1992

THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - Notice of Hearing - Case #92-239-A - P.O. #C116811 - Reg. #M57322 - 57 Lines @ \$28.50 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for One successive weeks before the 17th day of January 1992; that is to say, the same was inserted in the issues of January 16, 1992.

28.50

25.00

Kimbel Publication, Inc.

per Publisher.

By Kimbel Belke

CERTIFICATE OF PUBLICATION

TOWSON, MD. _____, 19____

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on _____, 19____.

THE JEFFERSONIAN,

S. Zabe Orlov

Publisher

\$37.28

1/17/92

1/17/92

1/17/92

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1/17/92

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

DATE: 1/17/92 ACCOUNT: R-0016150

AMOUNT: \$ 37.28

RECEIVED FROM: S. Zabe Orlov

FOR: Kimbel Publication, Inc.

15

VALIDATION OR SIGNATURE OF CASHIER

1/17/92

1/17/92

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

DATE: 1/17/92 ACCOUNT: R-0016150

AMOUNT: \$ 37.28

RECEIVED FROM: S. Zabe Orlov

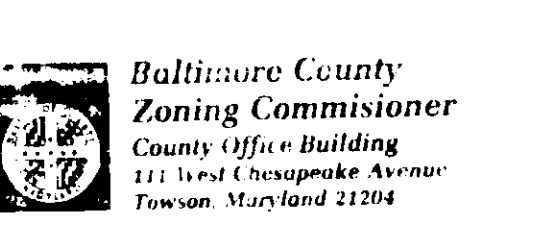
FOR: Kimbel Publication, Inc.

15

VALIDATION OR SIGNATURE OF CASHIER

1/17/92

1/17/92



Date: February 14, 1992 Account: R-0016150 Number

Cashier Validation

Joseph Mackin

Case Number: 92-239-A

POSTING AND ADVERTISING COST: \$10.00

12/25/91

12/25/91

12/25/91

12/25/91

12/25/91

12/25/91

12/25/91

12/25/91



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 4/5/92

Joseph J. Macklin
4224 Lynhurst Road
Baltimore, Maryland 21222

Re: CASE NUMBER: 92-239-A
4224 Lynhurst Road, 100' E of c/l Beechwood Road
4224 Lynhurst Road
12th Election District - 7th Councilmanic
Petitioner(s): Joseph J. Macklin

Dear Petitioner(s):

Please be advised that \$ 90.78 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ARNOLD JABLON
DIRECTOR



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JAN 08 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and regulations of Baltimore County will hold a public hearing on the property identified herein in Room 116, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-239-A
4224 Lynhurst Road, 100' E of c/l Beechwood Road
4224 Lynhurst Road
12th Election District - 7th Councilmanic
Petitioner(s): Joseph J. Macklin
HEARING: MONDAY, FEB. 3, 1992 at 9:00 a.m.

Variance to allow an accessory pool and deck structure with an 8 inch setback instead of the required 30 inch (2 1/2 ft.) setback.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Joseph J. Macklin
Mr. & Mrs. Nestor
Martin Fox



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 10, 1991

Joseph J. Macklin
4224 Lynhurst Road
Baltimore, Maryland 21222

Re: CASE NUMBER: 92-239-A
LOCATION: 4224 Lynhurst Road, 100' E of c/l Beechwood Road
4224 Lynhurst Road
12th Election District - 7th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before December 22, 1991. The closing date is January 6, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be posted and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner, Baltimore County



111 West Chesapeake Avenue
Towson, MD 21204

JANUARY 24, 1992

(410) 887-3353

NOTICE OF POSTPONEMENT AND NEW HEARING DATE

CASE NUMBER: 92-239-A
PETITIONER: Joseph J. Macklin

Pursuant to the postponement request of Jim McCadden, attorney for the Protestant, Martin Fox, the hearing of the above matter will not go forward on February 3, 1992.

The hearing has been rescheduled and will be heard as follows:

MONDAY, FEBRUARY 24, 1992 at 9:00 a.m.
IN ROOM 116, COUNTY COURTHOUSE, 400 WASHINGTON AVENUE

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner
Baltimore County, Maryland

cc: Joseph J. Macklin
Ronald Nester
Jim McCadden, Esq.



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 26, 1991

Mr. Joseph J. Macklin
4224 Lynhurst Road
Baltimore, MD 21222

RE: Item No. 251, Case No. 92-239-A
Petitioner: Joseph J. Macklin
Petition for Residential Variance

Dear Mr. Macklin:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: December 26, 1991
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All Petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing
this 22nd day of December, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
James E. Dyer
CHAIRMAN,
ZONING PLANS ADVISORY COMMITTEE

Petitioner: Joseph J. Macklin

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: December 17, 1991
Zoning Administration and
Development Management
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Pringle Property, Item No. 249
Macklin Property, Item No. 251

In reference to the Petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL:rdn

ITEM249/TXTROZ

92-239-A

1/4/91
9BALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION

Memorandum

TO: Julie Winiarski
Office of Zoning Administration and
Development Management

FROM: A. J. Haley, Acting Director *AJH*
Economic Development Commission

DATE: December 20, 1991

RE: Zoning Advisory Comments for Meeting of December 17, 1991

This office has no comment for items 92-1, 233, 237, 245, 246, 247, 248,
249, 250, 251, 252 or 253.

RECEIVED
DEC 26 1991

ZONING OFFICE

92-239-A APR 1-6-92

Baltimore County Government
Fire Department
760 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

JANUARY 6, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JOSEPH J. MACKIN
Location: #4224 LYNHURST ROAD
Item No.: 251 Zoning Agenda: DECEMBER 17, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by
this Bureau and the comments below are applicable and required to be
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* Noted and
Approved *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

92-239-A 1-6

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: January 7, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: December 17, 1991

This office has no comments for item numbers 233, 245, 246, 247, 248,
249, 250, 251, 252 and 253.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJE/lvd

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 6, 1992

Joseph J. Mackin
4224 Lynhurst Road
Baltimore, Maryland 21222

RE: CASE NUMBER: 92-239-A

Dear Petitioners:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case.

As you recall, this matter must now go through the regular hearing
process; the property must be reposted and notice of the hearing will
be placed in two local newspapers. You will be billed for these
advertising costs.

Formal notification of the hearing date will be forwarded to you
shortly.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner
Baltimore County, Maryland

cc: Mr. & Mrs. Nestor
Martin Fox
People's Counsel



Baltimore County, Maryland

PEOPLE'S COUNSEL
ROOM 304, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
887-2662/188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

December 18, 1991

The Honorable
Lawrence E. Schmidt
Zoning Commissioner
Room 113, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Joseph J. Mackin, Petitioner
Zoning Case No. 92-239-A

Dear Mr. Schmidt:

With reference to the above-captioned petition for a residential
variance, I have received a telephone call from a Ronald Nestor who lives
at 4226 Lynhurst Road, Baltimore, MD 21222. Mr. Nestor advises me that
he has a limited power of attorney for Martin J. Fox, who is the immediate
next door neighbor of the Petitioner. According to Mr. Nestor, Mr. Fox is
a Merchant Seaman who is out of the country and who lives alone. Although
Mr. Nestor's power of attorney does not include the right to litigate for
Mr. Fox, he is aware of a history of objections by Mr. Fox to the proposal
that is the subject of the variance.

In view of the fact that the administrative procedure in this matter
does not seem to be providing sufficient time for the parties to become
aware of the issues and to consider the course of action that they would
like to take, I would request that the matter be accorded a hearing and
not be disposed of administratively. I would be happy to discuss this
with you if you like but at this time, I am not aware of any more informa-
tion than what I have included in this letter.

Thank you for your consideration of this.

Sincerely,

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

cc: Arnold Jablon
Ronald Nestor

PCF:sh

RECEIVED
DEC 20 1991

ZONING OFFICE



Baltimore County, Maryland

PEOPLE'S COUNSEL
ROOM 304, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
887-2662/188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

January 23, 1992

Mr. Ronald Nestor
4226 Lynhurst Road
Baltimore, MD 21222

RE: Joseph J. Mackin, Petitioner
Zoning Case No. 92-239-A

Dear Mr. Nestor:

Pursuant to my letter to the Zoning Commissioner dated December 18th,
which I sent to you, the Zoning Commissioner has set a hearing for Monday,
February 3, 1992 at 9:00 a.m. in Room 118 of the Old Courthouse in Towson.
At this time, either you or Mr. Fox will have to be prepared to explain
why you oppose the request for the residential variance. I would caution
you that if Mr. Fox is not present that your testimony will have to be
limited to facts of which you have personal knowledge and you will not be
able to testify as to what Mr. Fox has said to you.

You may also wish to consider employing an attorney inasmuch as my
office does not generally participate in residential variance cases.

Please feel free to call me if you have any questions.

Sincerely yours,

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

cc: The Hon. Lawrence E. Schmidt
Zoning Commissioner

PCF:sh

RECEIVED
JAN 23 1992
ZONING COMMISSIONER

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 4, 1992

Jim McCadden, Esquire
Suite 1302 The Penthouse
28 W. Allegheny Avenue
Towson, Maryland 21204

RE: Case No. 92-239-A
Location: NE/S Lynhurst Rd., 100' E of c/l Beechwood Rd.
4224 Lynhurst Road
12th Election District - 7th Councilmanic

Dear Mr. McCadden:

Receipt of your letter of July 27, 1992 is hereby acknowledged.

After the issuance of my Opinion and Order dated March 4, 1992, I
received correspondence from Mr. Mackin relative to the above captioned
case. I accepted that correspondence as a Motion for Reconsideration of my
decision and denied said Motion by way of an opinion and order dated May 6,
1992. For your reference, a copy of my Order is attached hereto. I note
that a copy was not directed to you, however, one was sent to Mr. Martin
Fox. Since that time, I have had no additional contact with Mr. Mackin.

The Office of the Zoning Commissioner is, however, an independent
County agency. The administration of zoning laws is conducted within the
Office of Zoning Administration and Development Management. It is possible
that one of their employees may have discussed this case with Mr. Mackin.
Further, a representative of the Office of Permits and Licenses may have
answered any inquiry from Mr. Mackin as same would relate to a building or
similar permit.

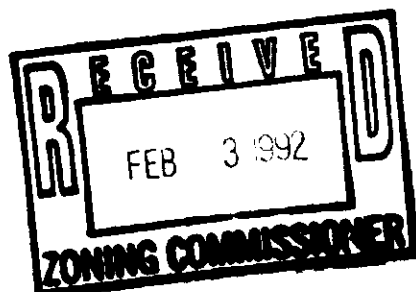
If you have any further questions regarding this case, I might suggest
that you contact Mr. Larry Goetz, the Zoning Technician who received the
zoning Petition which was originally filed by Mr. Mackin. Mr. Goetz may be
best equipped to answer any questions you have regarding the status of the
property.

LES:mmn
encl.

Very truly yours,
Lawrence E. Schmidt
Lawrence E. Schmidt

HELEN DELICH BENTLEY
20 DISTRICT MARYLAND
WASHINGTON OFFICE
1610 CONSTITUTION BUILDING
WASHINGTON, DC 20015
202 225 3001
FAX 202 225 4251
DISTRICT OFFICES
200 EAST JOPPA ROAD
TOWSON, MD 21204
301 337 7222
FAX 301 337 7222
4400 GARDEN CITY ROAD
DUNBAR, MD 21222
301 285 2744
P. NORTH MACK STREET
BETHESDA, MD 20814
301 478 2017

Congress of the United States
House of Representatives
Washington, DC 20515
February 6, 1992



Mr. Lawrence Schmidt
Zoning Commissioner
Zoning Administration
Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Dear Mr. Schmidt:

Recently, one of my constituents, Mr. Ronald Nestor, 4226-28 Lynhurst Road, Baltimore, Maryland 21222, contacted my office and requested my assistance with a persistent problem he is having with zoning.

My staff assistant explained to Mr. Nestor that this is not within my jurisdiction, however, I would like to appeal to you on behalf of him.

Mr. Nestor will be appearing before you on February 24, 1992, for a public hearing regarding the property next door to him at 4224 Lynhurst Road. This is a complicated zoning matter and I'm sure you have all the details, so I won't elaborate. I'm asking that you give Mr. Nestor the opportunity to properly present his side of the story. He has many facts that he feels should be brought to your attention.

In the interest of resolving this dispute over zoning and boundary rights, Mr. Nestor would like to see a fair hearing. He is a very frustrated person who feels the system is not working for him.

I know that Mr. Nestor will be given his "day in court", so to speak, and you will rule on this matter in the best interest of all parties.

With best regards, I am

Sincerely,

Helen Delich Bentley
Helen Delich Bentley
Member of Congress

HDB:dmk

BUY AMERICAN SAVE AMERICAN JOBS!

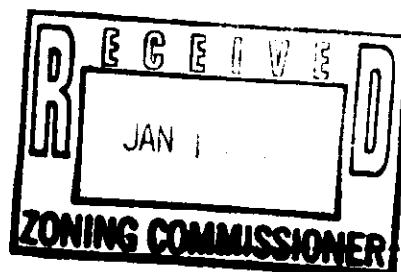
COMMITTEE ON THE BUDGET
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION
COMMITTEE ON MERCHANT MARINE AND FISHERIES
SELECT COMMITTEE ON AGING
STEEL
ART
TRADE AND TOURISM
MARITIME
ENERGY TASK FORCE

Jim McCadden
ATTORNEY AT LAW

TOWSON MAIN
SUITE 1102
28 W. ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 828-1701

TOWSON EAST
400 EAST JOPPA ROAD
TOWSON, MARYLAND 21204
(301) 828-7967

January 14, 1992



Honorable Lawrence E. Schmidt
Zoning Commissioner
Room 133, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Our Client: Martin Fox
Joseph J. Mackin, Petitioner
Zoning Case No.: 92-239-A

Dear Mr. Schmidt:

Please enter my appearance on behalf of Martin Fox with respect to the variance. Please forward copies of any documents contained in your file concerning this matter. Of course, I will be responsible for any costs involved. Obviously, I would like to be advised of any hearings far enough in advance to make the necessary arrangements to be present.

Respectfully,

Jim McCadden
JIM McCADDEN

JFM:mfp

cc: Martin Fox

Jim McCadden
ATTORNEY AT LAW

TOWSON MAIN
SUITE 1102
28 W. ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 828-1701

TOWSON EAST
400 EAST JOPPA ROAD
TOWSON, MARYLAND 21204
(301) 828-7967

January 21, 1992

Zoning Commissioner
111 W. Chesapeake Ave.
Towson, Maryland 21204
Attn: Arnold Jablon, Director

Re: Joseph J. Macklin,
Petitioner
Zoning Case #: 92-239A

Dear Mr. Jablon:

Please be advised that I have just recently been retained by Martin Fox to represent him in the above matter. I was notified on 1/17/92 that a hearing had been scheduled in this matter for 2/3/92. I am requesting that this hearing be postponed as my client is a Merchant Seaman and will be out of the country for several weeks. Also, as I have only just recently been retained by Mr. Fox, I have not had the opportunity to review all of the details in this case.

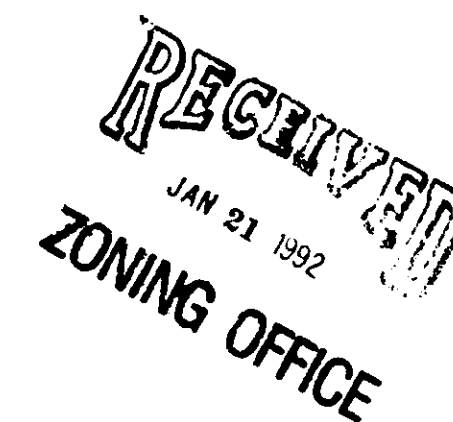
Thank you in advance for your anticipated consideration in this matter.

Respectfully,

Jim McCadden
JIM McCADDEN

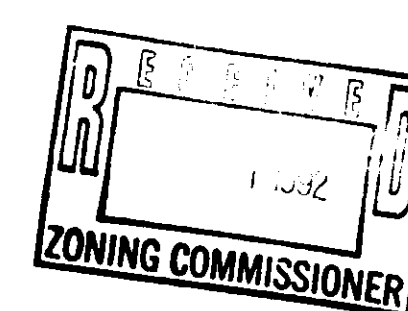
CRH:mfp

cc: The Hon. Lawrence E. Schmidt
Martin Fox
Joseph J. Mackin



Jim McCadden
ATTORNEY AT LAW
SUITE 1102, 28 W. ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 828-1701

July 27, 1992



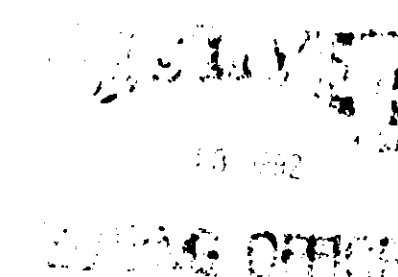
Lawrence E. Schmidt,
Zoning Commissioner
Office of Zoning Admin.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Re: Case No.: 92-239-A
Location: NE/S Lynhurst Rd, 100' E of c/1 Beechwood Rd.
4224 Lynhurst Rd.
12th Election District - 7th Councilmanic

Dear Commissioner Schmidt:

My client, Martin Fox, contacted me with respect to the above case. He informs me that Mr. Mackin had advised him that your office gave him permission to leave the pool where it stands and the only thing he intends to do is review the deck on the side which adjoins my clients' property. In view of the law as clearly established in the recent hearing, I don't believe that your office gave Mr. Mackin that advice. (See decision of March 4, 1992). However, I did agree to write to your office for further verification.

After you have had an opportunity to review this matter, I need to know if your office did in fact advise Mr. Mackin that he did not need to move the pool, and that merely moving the pool decking on the side adjoining my clients' property brought him in compliance with the law.



BALTIMORE COUNTY POLICE DEPARTMENT - FORM-10 - CRIME REPORT

1. LOCATION: 4224 LYNHURST RD, 1222, TOWSON, MD 21204

2. DATE: 7/27/92

3. TIME: 9:15 PM

4. INVESTIGATIVE INTERVIEWS:

5. SUSPECT(S):

6. SUSPECT ONE: NAME, ADDRESS, PHONE, OCCUPATION, etc.

7. SUSPECT TWO: NAME, ADDRESS, PHONE, OCCUPATION, etc.

8. SUSPECT VEHICLE:

9. CRIME SCENE TECHNICAL WORK:

10. PHYSICAL EVIDENCE:

11. STOLEN PROPERTY:

12. ARE THERE SIMILAR CRIMES/SUSPECT ACTIONS KNOWN TO YOU?

13. IS ANY FORM OR TYPE OF MO. PRESENT? YES (DESCRIBE) NO

14. PROSECUTION: YES NO

15. PROPERTY: FOUND/RECOVERED, ROBBED, SEARCHED, etc.

CRITICAL

Zoning Commissioner
Baltimore County Zoning Office
111 West Chesapeake Ave.
Towson, Md. 21204

RE: Request for an Administrative Procedure
Petition for a Residential Variance

Dear Commissioner,

I am requesting an administrative procedure for the following reasons:

- * Unclear Zoning Requirements
- * To End a Neighbors Questioning
- * Allow Access to the Rest of My Property
- * Preserve the Present Aesthetics of the Property
- * Provide a Clear View of My Driveway

Thank you for your consideration with this matter.

Sincerely,

J. Mackin
J. Mackin
Property Owner

March 29, 1992

Mr. Lawrence E. Schmidt
Zoning Commissioner
Baltimore County Government
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Request to Reconsider
Case No. 92-239A

Dear Mr. Schmidt

I am requesting you to reconsider your decision of case No. 92-239A because I believe something was misunderstood, and needs to be clarified with proof and the attached evidence.

Major Issue

Egress:
In your letter of 3-3-92 under "Findings of Facts and Conclusions of Law," page 4 and specifically to the statement "...ingress and egress to the garage is sufficient."

Access to the garage is not at issue. The issue is egress to the rest of my property. The egress is required specifically for a contemplated house addition. This house addition is required to do the poor health of my mother-in-law.

The present distance between the pool/deck and the garage is 11'9" (see original plot plan). However, there is an approximately 30" sidewalk (which is not shown on the plot plan) reducing the space available for construction equipment to operate. (Dump truck, Cement truck) The actual usable space is 9' 6" because heavy equipment would destroy a sidewalk do to its weight.

Both a dump truck and cement truck are 8 feet wide, and require an additional 6 inches on each side of the truck for their outside mirrors, therefore, 9 feet is required plus a few inches for total clearance. I am only allowing for 3 inches on each side of the trucks. (This is not a lot of room when backing up a big piece of equipment)

My information was obtained from two contractors I have been talking with. (See attached letter as evidence)



March 30, 1992

Mr. Jay Mackin
4224 Lynhurst Road
Baltimore, Maryland 21222

RE: New Addition

Dear Mr. Mackin:

In reference to our discussion pertaining to the new addition to your home, please be advised that an access lane of no less than twelve feet in width must remain available at all times to provide ingress and egress for the various types of heavy equipment which will be required to perform the excavation and for removal of excess soils, etc. This equipment should consist of, but will not be limited to, a backhoe and a dump truck.

Please be advised that we will not be held responsible for damages to any sidewalks, patios or similar concrete facilities should the minimum twelve feet access way include any of the above.

Should you have any questions, please do not hesitate to call.

Very truly yours,

R. MARINUCCI & SONS, INC.

Cris Farrell
Cris Farrell



March 25, 1992

Mr. Jay Mackin
4224 Lynhurst Road
Dundalk, MD 21222

Dear Mr. Mackin:

As we have previously discussed we will require a minimum of 9 ft. 6 in. between your pool and small garage. This will enable us to back our equipment and dump truck to the necessary site for the excavation of dirt. Obviously we can not use your sidewalk as part of this clearance as the weight of our equipment will undoubtedly cause it to break up. We will require you to hold us harmless in any event of sidewalk breakup. Looking forward to your response.

Very truly yours,

Tyus M. Fisher
Tyus M. Fisher
Vice President - Estimating

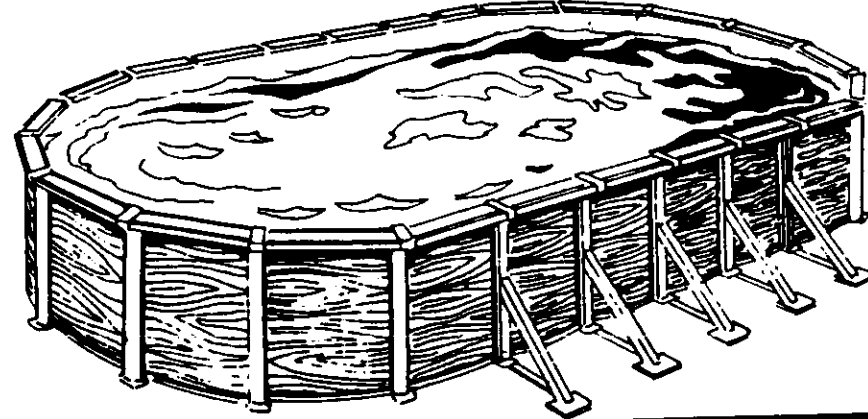
TMP:bld
cc: file

6700 McLEAN WAY • GLEN BURNIE, MD 21060-6480 • 301-553-6700 • FAX 553-6718



U.S. HIGHWAY 1 and 9 SOUTH and INTERNATIONAL WAY • NEWARK, NEW JERSEY 07114

POOL ASSEMBLY and INSTALLATION INSTRUCTIONS 4"-6"-7"-7 1/4" LEDGE OVAL POOLS



DANGER

DO NOT DIVE OR JUMP into your pool. Your pool is approximately 4' deep. It is not designed for diving or jumping. If you dive or jump into your pool you run the high risk of permanent injury or death. Alert all visitors and family of this and point out all warning labels supplied.

General
Installation of a Swim'n Play above ground pool is not extremely hard or confusing, but it is a big job. The secret to installing a pool so that it will give you years of pleasure is to take the time to follow instructions and do things right the first time. Your pool warranty is void if these instructions are not followed 100%. Read all instructions including accessories such as filters, pumps, skimmers, decks, etc. prior to starting.
Before you start, check to see that you have the correct number of parts. Use your parts list which is broken down by carton.
Swim'n Play's manufacturer reserves the right to revise, change or modify construction of Swim'n Play family pools.

622.2 Permits required: Approval shall be secured for all roof-mounted antennal structures more than 12 feet (3658 mm) in height above the roof. The application shall be accompanied by detailed drawings of the structure and methods of anchorage. All connections to the roof structure shall be properly flashed to maintain water tightness. The design and materials of construction shall comply with the requirements of Section 621.3 for character, quality and minimum dimension.

622.3 Dish antennas: An antenna consisting of a radiation element which transmits or receives radiation signals generated as electrical, light or sound energy, and supported by a structure which may or may not provide a reflective component to the radiating dish, usually in a circular shape with a parabolic curve design constructed of a solid or open mesh surface, shall be known as a dish antenna.

622.3.1 Permits: The approval of the code official shall be secured for all dish antennal structures more than 2 feet (610 mm) in diameter erected on the roof of or attached to any building or structure. A permit is not required for dish antennas not more than 2 feet (610 mm) in diameter erected and maintained on the roof of any building.

622.3.2 Structural provisions: Dish antennas larger than 2 feet (610 mm) in diameter shall be subject to the structural provisions of Sections 621.4, 1111.0 and 1112.0. The snow load provisions of Section 1111.0 shall not apply where the antenna has a heater to melt falling snow.

SECTION 623.0 SWIMMING POOLS

623.1 General: Pools used for swimming or bathing shall conform to the requirements of this section provided that these regulations shall not be applicable to any such pool less than 24 inches (610 mm) deep or having a surface area less than 250 square feet (23.25 m²), except where such pools are permanently equipped with a water-recirculating system or involve structural materials. For the purposes of this code, pools are classified as private swimming pools or public swimming pools, as defined in Section 623.2. Materials and constructions used in swimming pools shall comply with the applicable requirements of this code.

623.2 Classification of pools: Any constructed pool which is used or intended to be used as a swimming pool in connection with a building of Use Group R-3 and is available only to the family of the householder and private guests, shall be classified as a private swimming pool. Any swimming pool other than a private swimming pool shall be classified as a public swimming pool.

623.3 Plans and permits: A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until plans have been submitted and a permit has been obtained from the code official. The approval of all city, county and state authorities having jurisdiction over swimming pools shall be obtained before applying to the code official for a permit. Certified copies of these approvals shall be filed as part of the supporting data for the permit application.

623.3.1 Plans: Plans shall accurately show dimensions and construction of the pool and appurtenances and properly established distances to lot lines, buildings, walls and fences, as well as details of the water supply system, drainage

and water disposal systems, and all appurtenances pertaining to the swimming pool. Detailed plans of structures, vertical elevations and sections through the pool showing depth shall be included.

623.3.4 Locations: Private swimming pools shall not encroach on any front or side yard required by this code or by the governing zoning law, unless in accordance with specific rules of the jurisdiction in which the pool is located. A wall of a swimming pool shall not be located less than 6 feet (1829 mm) from any rear or side property line or 10 feet (3048 mm) from any street property line, unless in accordance with specific rules of the jurisdiction in which the pool is located.

623.5 Structural design: The pool structure shall be engineered and designed to withstand the expected forces to which the pool will be subjected.

623.5.1 Wall slopes: To a depth up to 2 feet 9 inches (838 mm) from the top, the wall slope shall not be more than one unit horizontal in five units vertical (1:5).

623.5.2 Floor slopes: The slope of the floor on the shallow side of the transition point shall not exceed one unit vertical to seven units horizontal (1:7). For public pools greater than 1,200 square feet (111.6 m²), the slope of the floor on the shallow side of the transition point shall not exceed one unit vertical to ten units horizontal (1:10). The transition point between shallow and deep water shall not be more than 5 feet (1524 mm) deep.

623.5.3 Surface cleaning: All swimming pools shall be provided with a recirculating skimming device or overflow gutters to remove scum and foreign matter from the surface of the water. Where skimmers are used for private pools, there shall be at least one skimming device for each 1,000 square feet (93 m²) of surface area or fraction thereof. For public pools where water skimmers are used, there shall be at least one skimming device for each 600 square feet (55.8 m²) of surface area or fraction thereof. Overflow gutters shall not be less than 3 inches (76 mm) deep and shall be pitched to a slope of one unit vertical to 48 units horizontal (1:48) toward drains, and constructed so that such gutters are safe, cleanable and that matter entering the gutters will not be washed out by a sudden surge of entering water.

623.5.4 Walkways: All public swimming pools shall have walkways not less than 4 feet (1219 mm) in width extending entirely around the pool. Curbs, sidewalks around any swimming pool shall have a slip-resistant surface for a width of not less than 1 foot (305 mm) at the edge of the pool, and shall be so arranged as to prevent return of surface water to the pool.

623.5.5 Steps and ladders: At least one means of egress shall be provided from private pools. Public pools shall provide ladders to other means of egress at both sides of the diving section and at least one means of egress at the shallow section, or at least one means of egress in the deep section and the shallow section if diving boards are not provided. Treads of steps and ladders shall have slip-resistant surfaces and handrails on both sides, except that handrails are not re-

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
MARTIN, J. FOX	4224 LYNHURST RD 21222
RONALD NESTOR	4226 LYNHURST RD 21222
MATHIAS A. FOX	4222 LYNHURST RD 21222

PETITIONER(S) SIGNATURE
SIGN IN

NAME	ADDRESS
Joseph J. Mackin	4224 Lynhurst Rd Dundalk, MD 21222

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 4224 Lynhurst Rd
Subdivision name: Deer Creek Lane 1991
plat book # 22, folio 22, map 2, section 2

OWNER: Joseph J. Mackin

Back River

Map showing property lines, existing structures, and proposed pool location. Includes a critical zone of 9' x 6'.

Scale of Drawing: 1" = 40'

North arrow pointing up.

Prepared by: J. Mackin

Location Information:
Councilmanic District: V. GARDINIA
Election District: 15
1"=200' scale map: Atlantic SE 3 H
Zoning: D 2.5.5
Lot size: 11,750 square feet

Chesapeake Bay Critical Area:
Prior Zoning Hearing: None

Zoning Office USE ONLY:
reviewed by: ITEM #: CASE#:

CRITICAL



VIEW TOWARDS WATER



POOL & DECK
VIEW TOWARDS STREET

4224 LYNHURST

THIS DEED, made this 1st day of November, 1985, by
RICHARD A. HELLMAN, EDWARD E. HELLMAN and THERESA A.
HELLMAN, husband and wife, parties of the first part and
JOSEPH J. MACKIN, party of the second part,
WITNESSETH, that for and in consideration of the sum of
NINETY THOUSAND DOLLARS (\$90,000.00), the receipt of which
is hereby acknowledged, the said RICHARD A. HELLMAN, EDWARD
E. HELLMAN and THERESA A. HELLMAN, husband and wife, do
hereby grant, bargain and sell and convey unto JOSEPH J.
MACKIN, all that lot or parcel of land in the
Election District of Baltimore County, Maryland,
BEGINNING FOR THE SAME on the northeasternmost side of
a road heretofore laid out (40 feet wide) said place of
beginning being at the distance of 101.54 feet south 51
degrees 45 minutes east from the intersection of the
northeasternmost side of the aforesaid road 40 feet wide
with the south 48 degrees 15 minutes west 290 feet line of
the land which by Deed dated March 1, 1941, and recorded
among the Land Records of Baltimore County in Liber CWB, Jr.
No. 1151, folio 112, was conveyed by William Josias Green,
Widower, to Alexander Baliko, Jr., and running thence from
said place of beginning and bounding on the northeasternmost
side of said road 40 feet wide south 51 degrees 45 minutes
east 50.77 feet, thence running for lines of division now
made the three following courses and distances, viz: 48
degrees 15 minutes east 230 feet to the waters of Back
River, thence bounding the waters of Back River
northwesterly 50 feet more or less to intersect a line drawn
48 degrees 15 minutes east from the place of beginning and
thence reversing said line so drawn and bounding thereon
south 48 degrees 15 minutes west 240 feet to the place of

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

8 8268****144000** 5068A

SIGNATURE DATE 11-6-85

251

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 4224 Lynhurst Rd
 Subdivision name: See Green Lines 1971
 plat book: 22 folios 22, 23, 24 sections 0

OWNER: Joseph J. Mackin

North
 date: 11/26/81
 prepared by: J. Mackin

Scale of Drawing: 1" = 40'

LOCATION INFORMATION

Councilmanic District: Dan Mason 7
 Election District: 12
 1"-200' scale map: Attache, SE 34
 Zoning: DR 5.5
 Lot size: 11.75± acres
 square feet

SEWER: ☒ ☐
 WATER: ☒ ☐
 Chesapeake Bay Critical Area: ☒ ☐
 Prior Zoning Hearings: None

Zoning Office USE ONLY

reviewed by: LG ITEM #: 251 CASE#:

THIS DEED, made this 1st day of November, 1985, by RICHARD A. HELLMAN, EDWARD E. HELLMAN and THERESA A. HELLMAN, husband and wife, parties of the first part and JOSEPH J. MACKIN, party of the second part,

WITNESSETH, that for and in consideration of the sum of NINETY THOUSAND DOLLARS (\$90,000.00), the receipt of which is hereby acknowledged, the said RICHARD A. HELLMAN, EDWARD E. HELLMAN and THERESA A. HELLMAN, husband and wife, do hereby grant, bargain and sell and convey unto JOSEPH J. MACKIN, all that lot or parcel of land in the _____ Election District of Baltimore County, Maryland,

BEGINNING FOR THE SAME on the northeasternmost side of a road heretofore laid out (40 feet wide) said place of beginning being at the distance of 101.54 feet south 51 degrees 45 minutes east from the intersection of the northeasternmost side of the aforesaid road 40 feet wide with the south 48 degrees 15 minutes west 290 feet line of the land which by Deed dated March 1, 1941, and recorded among the Land Records of Baltimore County in Liber CMB, Jr. No. 1151, folio 112, was conveyed by William Josias Green, Widower, to Alexander Baliko, Jr., and running thence from said place of beginning and bounding on the northeasternmost side of said road 40 feet wide south 51 degrees 45 minutes east 50.77 feet, thence running for lines of division now made the three following courses and distances, viz: north 48 degrees 15 minutes east 230 feet to the waters of Back River, thence bounding the waters of Back River northwesterly 50 feet more or less to intersect a line drawn 48 degrees 15 minutes east from the place of beginning and thence reversing said line so drawn and bounding thereon south 48 degrees 15 minutes west 240 feet to the place of

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
 DATE: 11-6-85
 SIGNATURE: J. Mackin

LIBERS 5653 PAGE 854

DEED - FREE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM

This Deed, MADE THIS 8th day of July,
 in the year one thousand nine hundred and seventy-six, by and between Elmer R. Gibson and Betty L. Gibson, his wife,

of Baltimore County, in the State of Maryland, of the first part, and Ronald E. Nestor and Martha J. Rothwell, of said County and State, of the second part.

WITNESSETH, That in consideration of the sum of five dollars and other valuable considerations, the receipt whereof is hereby acknowledged,

the said Elmer R. Gibson and Betty L. Gibson, his wife, AL 13-76 106675d ***56700
 AL 13-76 106675B ***28800
 AL 13-76 186675C ***31000
 AL 13-76 186677B ***9000

do grant and convey to the said Ronald E. Nestor and Martha J. Rothwell, as joint tenants, and not as tenants in common, their heirs and assigns,

in fee simple, all those lots of ground situate in the 15th Election District of Baltimore County, and described as follows, that is to say: Beginning for the first thereof on the northeasternmost side of a road heretofore laid out 40 ft. wide, said point of beginning being at the distance of 201.08 ft. south 51 degrees 45 min. east from the intersection of the northeastern side of said road with the south 48 degrees 15 min. west 290 ft. line of the land which by deed dated March 1, 1941, and recorded among the Land Records of Baltimore County in Liber C.W.B., Jr. 1151, folio 112, was conveyed by W. J. Green to Alexander Baliko, Jr.; running thence from said point of beginning and bounding on the northeast side of said road south 51 degrees 45 min. east 50.77 ft.; thence for a line of division now made north 48 degrees 15 min. east 225 ft. to the waters of Back River; thence bounding on the waters of Back River northwesterly 51 ft. more or less to intersect a line drawn north 48 degrees 15 min. east from the place of beginning; and thence reversing said line so drawn and binding thereon south 48 degrees 15 min. west 230 ft. to the place of beginning; known as Lot 5 on an unrecorded plat of Greenland.

Beginning for the second thereof on the northeasternmost side of a road heretofore laid out 40 ft. wide, said place of beginning being at the distance of 152.31 ft. south 51 degrees 45 min. east from the corner of the northeasternmost side of said road with the south 48 degrees 15 min. west 290 ft. line of the land which by said deed recorded among said Land Records in Liber C.W.B., Jr. 1151, folio 112, was conveyed to said Baliko; thence from said place of beginning and bounding on the northeasternmost side of said road south 51 degrees 45 min. east 50.77 ft.; thence for lines of division now made the three following courses and distances: North 48 degrees 15 min. east 230 ft. to the waters of Back River; thence on the waters of Back River northwesterly 50 ft. more or less to intersect a line drawn north 48 degrees 15 min. east from the place of beginning; and thence reversing said line and binding thereon south 48 degrees 15 min. west 230 ft. to the place of beginning; known as No. 4226 Lynhurst Road.

Being the same lots which by Deed dated October 30, 1968, and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4936, folio 550, were granted by Salvatore DeMartino and wife to the grantors herein.

1980 00 PM 13 730.00 HSC
 1980 10 PM 13 200.00 HSC

Baltimore County Government
 Department of Permits and Licenses

111 West Chesapeake Avenue
 Towson, MD 21204

887-3610

Permit District Precinct
 Location

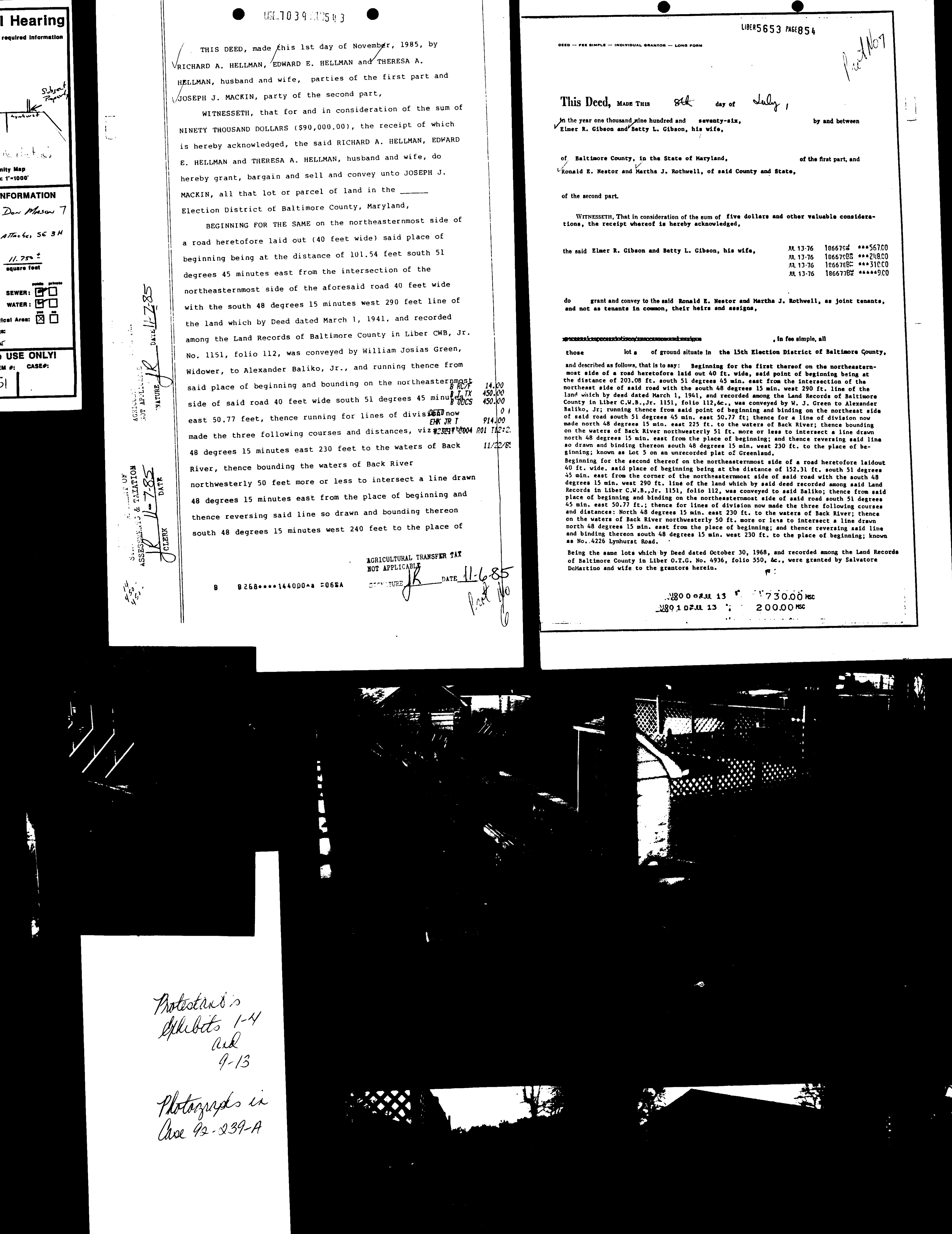
Reference is made to the swimming pool which you propose to construct at the subject location; please be advised as follows:

- The pool must be emptied by a sprinkler system or other methods at such a rate as to prevent the nuisance and/or water damage to the adjacent properties, whether by a sprinkler system or other methods.
- In the event the backwash water from the filtering system is to be discharged into a storm drain system and a distamaceous earth filter is used, a settling tank must be provided. If a storm drain system is to be used for the backwash water, please consult Public Services.
- Care should be exercised in any regrading of the pool site area to provide for the adequate disposal of surface drainage. The finished construction must meet existing property line grades. The correction of any problem resulting from improper grading is the full responsibility of the property owner.
- No construction is allowed in any County-owned easement, and/or any regrading allowed with the aforementioned area.
- Pool cannot be placed within 10' of any overhead wires (NEC 680-8).
- Pool must be protected by 48" fence with no openings larger than 4".

This letter must be signed by the owner in fee and filed with the building application. Any other signature is not acceptable and will nullify the permit.

Respectfully,
Douglas A. Swam
 Douglas A. Swam
 Processing Supervisor

Signature of owner in fee Date



LYNHURST ROAD

NO. 4226 LYNHURST ROAD
 BALTIMORE MAY 9, 1976
 DISTRICT 15 DONE 1976

EDWARD V. COOPER, JR.
 CIVIL ENGINEER
 1100 E. 30th St.
 BALTIMORE 1, MARYLAND

SCALE 1/4" = 20'

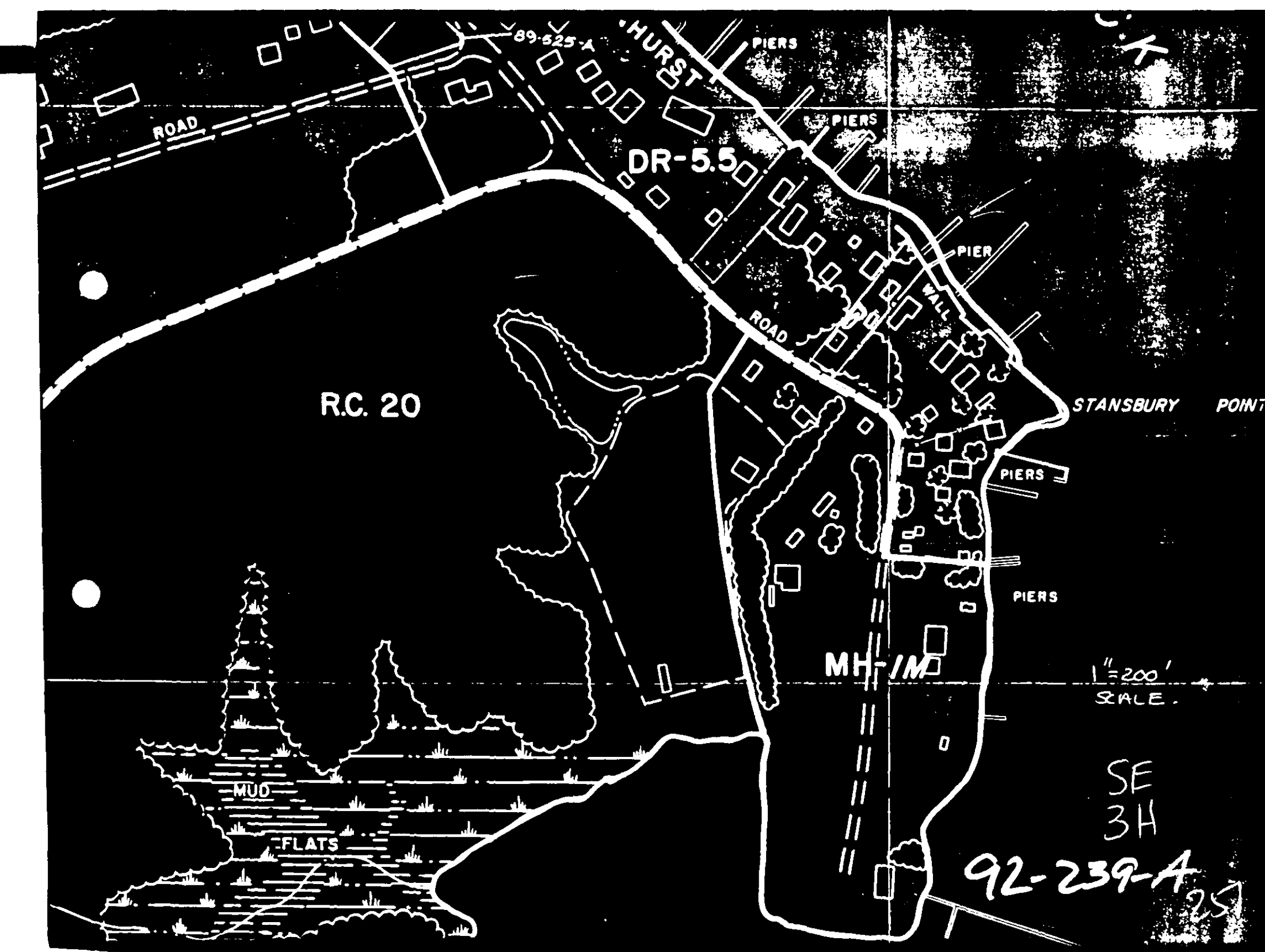
LOCATION SURVEY

PRO ONE HOUR PHOTO
 100% Eastern Blvd. Baltimore, MD 21221
 (301) 574-3342

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 100% Eastern Blvd. Baltimore, MD 21221
 (301) 574-3342

Protestant's exhibits 1-4 and 4-13

Photographs in Case 92-239-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±

LOCATION
NORTH POINT

DATE
OF
PHOTOGRAPHY
JANUARY
1986

SHEET
S.E.
3-H

92-239-A
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